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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,261	03/21/2001	Norbert Marocco	625.0006USQ	5581

7590 08/11/2005

CHARLES N.J. RUGGIERO, ESQ.  
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.  
10TH Floor  
ONE LANDMARK SQUARE  
STAMFORD, CT 06901-2682

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/814,261

Applicant(s)

MAROCCO, NORBERT

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4, 7 and 9 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) 7 and 9 is/are allowed.  
 6) ☒ Claim(s) 2-4 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 3-21-01 & 9-3-02.  
 4) ☒ Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. 20050808.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Prosecution has been re-opened in view of a rejection based on new prior art. In view of the rejection, the notice of Appeal is now moot. The indicated allowability of claims 2-4 is withdrawn in view of the newly discovered reference(s) to Reis et al. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites the limitation "said cutting path" on lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pluber (5,816,126) in view of Reis et al. (3,451,297).

In regards to claim 2, Pluber discloses the invention including a headrail holding plate (48) having a headrail opening for receiving the headrail therethrough (26), a cutting die for the head rail (22 and 50) being movable relative to the holding plate for cutting one end of the head rail (Figs. 5B and 5C), a blind holder (48) having a blind material opening for receiving the vertical blind materials (28), a blind cutting device (22 and 52) moveable relative to the blind holder for cutting the vertical blind material extending through the blind holder (Figs. 5A and 5B), and a movement transmission device for moving the cutting die and for moving the blind cutting device whereby both the vertical blind material and the headrail are cut (55). In regards to claim 3, Pluber further discloses the blind cutting device is slidable along a linear cutting path relative to the holder plate and in the same plane as the cutting die (22 and 52), and the cutting device is spaced from the cutting die by a distance at least equal to the cutting path of the blind cutting device (Fig. 2).

However, Pluber fails to disclose the cutting die is adapted to receive the headrail, the headrail opening in the holding plate is titled at an angle, the cutting die defines a cutting opening which is similarly diagonal, and the cutting die being slidably movable relative to the holding plate so that the headrail is cut along a linear diagonal direction.

Reis et al. teaches cutting die is adapted to receive the headrail (11), the headrail opening in the holding plate is titled at an angle (Fig. 2), the cutting die defines a cutting opening which is similarly diagonal (Fig. 2), and the cutting die being slidably movable relative to the holding plate so that the headrail is cut along a linear diagonal direction

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(Fig. 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention to have provided Pluber the cutting die and holding plate with tilted openings, as taught by Reis et al., to allow for a more efficient cutting means.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pluber in view of Reis et al. as applied to claim 2 above, and further in view of Daniels et al. (6,167,789). Pluber and Reis et al. disclose the invention including a rotary shaft (55 in Pluber), and a movement transmission link connecting between the rotary shaft and the blind cutting device for moving the cutting device simultaneously with the cutting die (22 in Pluber).

However, Pluber and Reis et al. fail to disclose a rotary shaft mounted in the holding plate and a cam mounted on the rotary shaft for moving the cutting die to sever the head rail.

Daniels et al. teaches a rotary shaft mounted in the holding plate (206) and a cam mounted on the rotary shaft for moving the cutting die to sever the head rail (232). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention to have provided Pluber in view of Reis et al. the rotary shaft/cam apparatus, as taught by Daniels et al., to provide an alternate old and well known method of moving the cutters.

#### ***Allowable Subject Matter***

7. Claims 7 and 9 are allowed. Claims 8, 10, and 11 will be rejoined at issuance.

#### ***Conclusion***

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grosse, Gabriel, and Kruse.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513.

The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
August 08, 2005



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700